

SENATE BILL REPORT

SSB 5565

As Amended by House, April 9, 2009

Title: An act relating to limiting the use of certain solid fuel burning devices.

Brief Description: Regarding the use of certain solid fuel burning devices.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senator Rockefeller).

Brief History:

Committee Activity: Environment, Water & Energy: 2/18/09, 2/25/09 [DPS, DNP].

Passed Senate: 3/12/09, 38-10.

Passed House: 4/09/09, 66-31.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: That Substitute Senate Bill No. 5565 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Hatfield, Marr and Ranker.

Minority Report: Do not pass.

Signed by Senator Morton.

Staff: Sam Thompson (786-7413)

Background: The federal Clean Air Act requires the Environmental Protection Agency (EPA) to set air quality standards for certain pollutants, including fine particulate matter. Wood smoke has been identified as a major source of fine particulate matter. During the winter, more than half of Washington's fine particulate matter comes from smoke from fireplaces, wood stoves, and pellet stoves.

EPA may designate an area as a nonattainment area if there has been a pattern of failure to reach and maintain air quality standards over a certain period. The affected state must then submit a plan to reach attainment. EPA's designation can trigger additional requirements for sources emitting pollutants, including fine particulate matter. Under Washington law, the Department of Ecology (DOE) or local air pollution control authorities may prohibit use of solid fuel burning devices, except fireplaces or wood or pellet stoves meeting certain

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

standards, as a contingency measure to meet EPA air quality standards. Before doing so, DOE and a local authority must issue findings that an area has failed to make progress toward achieving air quality standards and that emissions from solid fuel burning devices are a contributing factor.

Summary of Substitute Bill: DOE or a local air pollution control authority may prohibit use of solid fuel burning devices (except fireplaces, wood stoves meeting heightened certification requirements, or pellet stoves) as an additional measure to meet federal air quality standards if DOE or the local authority first:

- seeks input from local governments or the jurisdictional health department in the affected area;
- makes findings that: (1) the area is designated as a nonattainment area for fine particulate matter by the EPA, or is in maintenance status under that designation; (2) emissions from solid fuel burning devices are a major contributing factor; and (3) the area has an adequately funded program to assist low-income households to secure an adequate source of heat, which may include wood stoves.

Local government entities must later cooperate with local air pollution control authorities to implement the prohibition.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This legislation provides DOE and local air pollution control authorities with extra tools to achieve compliance with attainment requirements. Impairment of air quality has significant public health implications. DOE and local authorities need to adopt a more proactive approach in addressing air quality issues in nonattainment areas; areas with dirty air are not good for economic growth. New wood stoves sold by industry are 90 percent cleaner than older stoves.

Persons Testifying: PRO: Stu Clark, DOE; Gregg Grunenfelder, Department of Health; David Kircher, Puget Sound Clean Air Agency; Carolyn Logue, Northwest Hearth, Patio and Barbecue Association.

House Amendment(s): The amendments (1) provide that if a city or county within a nonattainment area under DOE's jurisdiction expresses concerns with DOE's findings supporting prohibition on use of solid fuel burning devices, DOE must publish its reasons on its website and respond to the local government's concerns; and (2) clarify that when use of solid fuel burning devices is prohibited, while cities, counties, and jurisdictional health departments must cooperate with DOE or the local air pollution control authority to implement the prohibition, cooperation does not include enforcement, which resides solely with DOE or the local air pollution control authority.